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[Additional counsel appear on signature page]

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BEE, DENNING, INC., d/b/a  
PRACTICE PERFORMANCE  
GROUP; and GREGORY CHICK,  
individually and on behalf of all others  
similarly situated.

## Plaintiffs,

V.

CAPITAL ALLIANCE GROUP; and  
NARIN CHARANVATTANAKIT.

## Defendants

NO. 3:13-cv-02654-BAS-WVG

## **DECLARATION OF CAROL MINTO**

Complaint Filed: 11/5/13

## Honorable Cynthia Bashant

DATE: October 20, 2014

TIME: 10:30 a.m.

COURTROOM: 4B, 4th Fl. Schwartz

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT**

1 I, Carol Minto, declare as follows:

2 1. I am over the age of eighteen and make this declaration based on  
3 personal knowledge. If called to testify regarding the facts set forth below, I  
4 could and would do so.

5 2. I am founder and owner of Minto Court Reporting, a court reporting  
6 service that I operate from my home. I own and operate a fax machine in my  
7 home that I use for business purposes.

8 3. Minto Court Reporting has never done business with Capital  
9 Alliance or sought a business loan from Capital Alliance.

10 4. In the spring and summer of 2014, Minto Court Reporting received  
11 several unsolicited faxes advertising business loans. The faxes advertised a fast  
12 and simple business loan and encouraged me to call a toll free number.

13 5. The faxes were all nearly identical, with similar formatting, style,  
14 and advertising text for business loans. Some of the faxes were from the same  
15 company and some of them used different business names. For example, on  
16 March 6, 2014, I received a fax from "Prompt." advertising "quick, simple, and  
17 cost-effective" short term business loans. Attached hereto as Exhibit 1 is true and  
18 correct copy of the fax I received from Prompt on March 6, 2014.

19 6. On June 4, 2014, I received a fax from Snap Business Loans  
20 advertising "quick, simple, and cost-effective" short term business loans.  
21 Attached hereto as Exhibit 2 is true and correct copy of the fax I received from  
22 Snap Business Loans on June 4, 2014. I called the primary number that appeared  
23 on the fax from Snap Business Loans in large print. I called this number  
24 intending to opt-out of receiving faxes.

25 7. When the representative answered, I informed him that his company  
26 was sending me unsolicited faxes regarding business loans, that I was not  
27  
28

interested in receiving a business loan, and that I would like to be removed from the list. The representative transferred me to a different individual, who informed me that I would be removed from the list.

8. After I requested that I no longer receive faxes, I have continued to receive faxes. These faxes are very similar to the other faxes I received and continue to advertise fast and simple business loans, although some of the faxes use different business names.

9. On June 19, 2014, I called the number listed on one of the faxes and again asked to be removed from the list. I told the representative that based on the number of faxes I received advertising business loans, I felt as though I was being harassed. Once again, a representative transferred my call to another individual, who told me that I would no longer receive faxes.

10. Despite repeated requests to be removed from the list, Minto Court Reporting has continued to receive faxes. These faxes are very similar to the other faxes I received and continue to advertise fast and simple business loans. For example, on June 30, 2014, July 8, 2014, and July 9, 2014, Minto Court Reporting received unsolicited faxes advertising “fast and simple” business loans from Nextday Business Loans. Attached hereto as Exhibit 3 is true and correct copy of the fax I received from Nextday Business Loans on June 30, 2014, July 8, 2014, and July 9, 2014.

11. I believe that the unsolicited faxes that Minto Court Reporting receives are a nuisance, and that they interfere with vital business operations. The faxes are so numerous and so frequent that I feel as though I am being harassed. These faxes also waste paper and costly ink cartridges. For these reasons, I have removed the paper from my fax machine. I now ask my business contacts to

1 notify me in advance of their intent to send faxes to Minto Court Reporting. Only  
2 then do I stock the fax machine with paper.

3        12. It is essential to Minto Court Reporting's business that legal  
4 transcripts are delivered quickly and efficiently. The junk faxes that we receive  
5 clog our fax line, result in unnecessary expenses, and frustrate our ability to  
6 provide our services on quick turn-around.

7 I declare under penalty of perjury under the laws of the United States that  
8 the foregoing is true and correct.

9 Executed this 29<sup>th</sup> day of August, 2014 at West Haven, Connecticut.

Carol Minto  
Carol Minto

**CERTIFICATE OF SERVICE**

I, Beth E. Terrell, hereby certify that on September 5, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Timothy Q. Day, CSB #188732  
Email: [tday@homan-stone.com](mailto:tday@homan-stone.com)  
**HOMAN & STONE**  
12 North Fifth Street  
Redlands, California 92373  
Telephone: (909) 307-9380  
Facsimile: (909) 793-0210

## *Attorneys for Defendants*

DATED this 5th day of September, 2014.

TERRELL MARSHALL DAUDT  
& WILLIE PLLC

By: /s/ Beth E. Terrell, CSB #178181  
Beth E. Terrell, CSB #178181  
Email: bterrell@tmdwlaw.com  
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Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 350-3528

Attorneys for Plaintiffs

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— EXHIBIT 1 —

DECLARATION OF CAROL MINTO

**IMPORTANT FOLLOW-UP REMINDER**  
**PREAPPROVED \$50,750.00 ALL-PURPOSE BUSINESS FUNDING**[www.promptfund.com](http://www.promptfund.com)**PreQualification Code: PQ4-35712**

Valid From: Thursday, March 6th, 2014

**PREAPPROVED \$50,750.00 ALL-PURPOSE BUSINESS LOAN**

This is a follow-up reminder that we still have your business preapproved for an All-Purpose Business Loan. Please contact us at **800-763-9693** to discuss your financing needs and get a quick, no-obligation free quote.

This preapproval is based on your annual sales, satisfactory business credit rating and payment history on previous business financing. Funding is unsecured and can be used for anything from inventory, marketing, or just general working capital.

- Funding in as fast as 3 business days
- Loans from \$5,000.00 to \$250,000.00 per location
- Flexible terms from 3 – 24 months
- Quick, simple, cost-effective

Rates are at a historic low and we want to lend! For a free quote, contact us at **800-763-9693** or visit us online at [www.promptfund.com](http://www.promptfund.com).

A handwritten signature in black ink, appearing to read "D. Minto".

Client Services Division  
[www.promptfund.com](http://www.promptfund.com)

— EXHIBIT 2 —

DECLARATION OF CAROL MINTO

**IMPORTANT FOLLOW-UP REMINDER**  
**PREAPPROVED \$61,000.00 ALL-PURPOSE BUSINESS FUNDING**[www.snapbf.com](http://www.snapbf.com)

Business Funding

Client Code: SNA-6699

Valid From: Wednesday, June 4, 2014

**PREAPPROVED \$61,000.00 ALL-PURPOSE BUSINESS LOAN**

This is a follow-up reminder that we still have your business preapproved for an All-Purpose Business Loan. Please contact us at **800-592-7435** to discuss your financing needs and get a quick, no-obligation free quote.

This preapproval is based on your annual sales, satisfactory business credit rating and payment history on previous business financing. Funding is unsecured and can be used for anything from inventory, marketing, or just general working capital.

- Funding in as fast as 3 business days
- Loans from \$5,000.00 to \$250,000.00 per location
- Flexible terms from 3 – 24 months (Up to 60 months for equipment)
- Quick, simple, cost-effective

Rates are at a historic low and we want to lend! For a free quote, contact us at **800-592-7435** or visit us online at [www.snapbf.com](http://www.snapbf.com).

Client Service Team  
[www.snapbf.com](http://www.snapbf.com)

*Day  
Three, Loan*

*888 674 1303*

*Fax 888 331 2508*

*881 W. State St., Ste 140-323  
Pleasant Grove, UT 84062*

No longer interested? Please call **866-829-1119** to be removed from future reminders.

*Contact@InsidersCash.com*

DECLARATION OF CAROL MINTO

**— EXHIBIT 3 —**

DECLARATION OF CAROL MINTO

<b>NEXTDAY</b> BUSINESS LOANS		CLIENT CODE: <b>2133D</b>
		MO./DAY/YEAR <b>6/30/2014</b>
FUNDING AMOUNT:	Fifty Thousand Dollars and 00/100 <b>*****</b>	
	DOLLARS <b>***\$50,000</b>	CENTS <b>.00</b>
TO:	Small Business Owner United States of America	
SPECIMEN - NON-NEGOTIABLE - NOT A CHECK		

## \*NEW\* FOR 2014 - ALL-PURPOSE BUSINESS FUNDING

Time is money. We offer a fast and simple alternative to traditional bank financing. Our cutting edge technology allows us to approve loans quickly and get you the capital to push your business forward.

Loan Size	\$5,000.00 - \$250,000.00
Terms	6-18 months
Security	No collateral needed
Timing	Approval in 24 hours; Funding in 2 business days
Qualifications	Min. 500 credit score; At least 1 year time in business
Details	True Business Loan; *NOT* a Merchant Cash Advance

CALL NOW TO SPEAK WITH A FINANCE SPECIALIST:

**1-800-790-8031**

Our mission is to provide capital for small businesses when traditional lenders are not. Our clients use our capital to fund anything from inventory to renovations, temporary cash flow to marketing... Take advantage of our working capital for anything to push your business forward!

### Recently Funded Transactions (As of Monday, June 23, 2014):

\$35,000.00 - Restaurant - Oceanside, CA - To prepare for busy season  
 \$10,000.00 - Restaurant/Café - Indianapolis, IN - For additional marketing  
 \$55,000.00 - HVAC Contractor - Morganton, NC - For material to take on new jobs  
 \$75,000.00 - Retail Store Boutique - Irvine, CA - For additional inventory  
 \$40,000.00 - Auto Repair Shop - Houston, TX - For additional marketing  
 \$25,000.00 - Bakery/Deli - Portland, OR - For store improvements and remodeling  
 \$67,200.00 - Optometrist - Orlando, FL - For additional employees

Visit us online at [www.nextdayfund.com](http://www.nextdayfund.com)

No longer interested? Please call 1 888 350 3766 to be removed from future notices.

DECLARATION OF CAROL MINTO

07-08-2014 6:45 - 866-829-1119



MO./DAY/YEAR

07/08/2014

CLIENT CODE:  
2133D

FUNDING AMOUNT: Fifty Thousand Dollars and 00/100 \*\*\*\*\*/\*\*\*\*\*

DOLLARS

DOLLARS	CENTS
***\$50,000	.00

TO: Small Business Owner  
United States of America

SPECIMEN - NON-NEGOTIABLE - NOT A CHECK

## \*NEW\* FOR 2014 - ALL-PURPOSE BUSINESS FUNDING

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Loan Size	\$5,000.00 - \$250,000.00
Terms	6-18 months
Security	No collateral needed
Timing	Approval in 24 hours; Funding in 2 business days
Qualifications	Min. 500 credit score; At least 1 year time in business
Details	True Business Loan; *NOT* a Merchant Cash Advance

CALL NOW TO SPEAK WITH A FINANCE SPECIALIST:

1-800-816-7013

Our mission is to provide capital for small businesses when traditional lenders are not. Our clients use our capital to fund anything from inventory to renovations, temporary cash flow to marketing...Take advantage of our working capital for anything to push your business forward!

### Recently Funded Transactions (As of Tuesday, July 8, 2014):

\$35,000.00 - Restaurant - Oceanside, CA - To prepare for busy season  
 \$10,000.00 - Restaurant/Café - Indianapolis, IN - For additional marketing  
 \$55,000.00 - HVAC Contractor - Morganton, NC - For material to take on new jobs  
 \$75,000.00 - Retail Store Boutique - Irvine, CA - For additional inventory  
 \$40,000.00 - Auto Repair Shop - Houston, TX - For additional marketing  
 \$25,000.00 - Bakery/Deli - Portland, OR - For store improvements and remodeling  
 \$67,200.00 - Optometrist - Orlando, FL - For additional employees

Visit us online at [www.nextdayfund.com](http://www.nextdayfund.com)

No longer interested? Please call 866-829-1119 to be removed from future notices.

DECLARATION OF CAROL MINTO



MO./DAY/YEAR

CLIENT CODE:  
2133D

7/9/2014

FUNDING AMOUNT: Fifty Thousand Dollars and 00/100

DOLLARS	CENTS
***\$50,000	.00

TO: Small Business Owner  
United States of America

SPECIMEN - NON-NEGOTIABLE - NOT A CHECK

**\*NEW\* FOR 2014 - ALL-PURPOSE BUSINESS FUNDING**

Time is money. We offer a fast and simple alternative to traditional bank financing. Our cutting edge technology allows us to approve loans quickly and get you the capital to push your business forward.

Loan Size	\$5,000.00 - \$250,000.00
Terms	6-18 months
Security	No collateral needed
Timing	Approval in 24 hours; Funding in 2 business days
Qualifications	Min. 500 credit score; At least 1 year time in business
Details	True Business Loan; *NOT* a Merchant Cash Advance

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1-800-790-8031

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 \$40,000.00 - Auto Repair Shop - Houston, TX - For additional marketing  
 \$25,000.00 - Bakery/Deli - Portland, OR - For store improvements and remodeling  
 \$67,200.00 - Optometrist - Orlando, FL - For additional employees

Visit us online at [www.nextdayfund.com](http://www.nextdayfund.com)

No longer interested? Please call 18882660196 to be removed from future notices.

DECLARATION OF CAROL MINTO